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07 OCT -4 PM 1:24  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ANTHONY ABEYTA

Plaintiff,

VS.

1. ANTHONY DURANTE CORRECTIONS OFFICER # 2406  
2. SGT. CSABANYI 1594  
SANTA CLARA CO. DEPT. OF CORRECTIONS AND  
SHERIFFS DEPT.  
ALL IN INDIVIDUAL AND OFFICIAL, Defendant.  
CAPACITY.

C 07 4660  
CASE NO. CW

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS (PR)

I, JOSEPH ANTHONY ABEYTA, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer: N/A

Gross: 0 Net: 0

Employer: 0

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 \$10 PER HS 1995 PERFORMANCE CELING INC. HAYWARD CA.

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

- 9 a. Business, Profession or Yes \_\_\_ No ☒  
 10 self employment
- 11 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
 12 or royalties?
- 13 c. Rent payments? Yes \_\_\_ No ☒
- 14 d. Pensions, annuities, or Yes \_\_\_ No ☒  
 15 life insurance payments?
- 16 e. Federal or State welfare payments, Yes \_\_\_ No ☒  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

23 3. Are you married? Yes ☒ No \_\_\_

24 Spouse's Full Name: YVETTE HOPE VALLES ABEYTA

25 Spouse's Place of Employment: SSI

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ ? Net \$ ?

28 4. a. List amount you contribute to your spouse's support: \$ 0

1 b. List the persons other than your spouse who are dependent upon you for  
 2 support and indicate how much you contribute toward their support. (NOTE:  
 3 For minor children, list only their initials and ages. DO NOT INCLUDE  
 4 THEIR NAMES.).

5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 5. Do you own or are you buying a home? Yes \_\_\_ No ☒

8 Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

9 6. Do you own an automobile? Yes \_\_\_ No ☒

10 Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

11 Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

12 Monthly Payment: \$ \_\_\_\_\_

13 7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

14 Name(s) and address(es) of bank: \_\_\_\_\_

15 \_\_\_\_\_

16 Present balance(s): \$ \_\_\_\_\_

17 Do you own any cash? Yes \_\_\_ No ☒ Amount: \$ \_\_\_\_\_

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 19 market value.) Yes \_\_\_ No ☒

20 \_\_\_\_\_

21 8. What are your monthly expenses?

22 Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

23 Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

24 Charge Accounts: \_\_\_\_\_

25 Name of Account Monthly Payment Total Owed on This Acct.

26 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

27 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

28 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

1 9. Do you have any other debts? (List current obligations, indicating amounts and to  
2 whom they are payable. Do not include account numbers.) ?  
3 \_\_\_\_\_  
4 \_\_\_\_\_

5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes \_\_\_ No ☒ ?

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed. ?  
9 \_\_\_\_\_  
10 \_\_\_\_\_

11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.  
15

16 9.17.07

17 DATE

18 \_\_\_\_\_  
19 SIGNATURE OF APPLICANT  
20  
21  
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25  
26  
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28

Case Number: C074660

CHY 429

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of JOSEPH A. ABUYTA for the last six months at [prisoner name]

SANTACLARA COUNTY JAIL NORTH where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 93.33 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 24.25.

Dated: 9/20/07

[Signature]  
[Authorized officer of the institution]

# 35

4C-3

Resident Account Summary  
Thursday, September 27, 2007 3:10:24

For PFN: CHY429 ABEYTA, JOSEPH ANTHONY

Date	Transaction Description	Amount	Balance	Owed	Held	Reference
09/25/2007	EPR	OID:100691329-ComisaryPur	-26.18	0.23	0.00	0.00
09/23/2007	DEPMO	100720757720	25.00	26.41	0.00	0.00
09/18/2007	EPR	OID:100688193-ComisaryPur	-13.02	1.41	0.00	0.00
09/11/2007	EPR	OID:100685337-ComisaryPur	-30.79	14.43	0.00	0.00
09/07/2007	DEPMO	R100457941276	25.00	45.22	0.00	0.00
09/06/2007	DEPMO	5757466120	20.00	20.22	0.00	0.00
08/28/2007	EPR	OID:100679090-ComisaryPur	-9.90	0.22	0.00	0.00
08/21/2007	EPR	OID:100676155-ComisaryPur	-40.26	10.12	0.00	0.00
08/14/2007	DEPMO	MONET ORDER08-730694973	50.00	50.38	0.00	0.00
08/07/2007	EPR	OID:100670438-ComisaryPur	-16.05	0.38	0.00	0.00
07/31/2007	EPR	OID:100667182-ComisaryPur	-20.49	16.43	0.00	0.00
07/24/2007	EPR	OID:100664691-ComisaryPur	-78.49	36.92	0.00	0.00
07/17/2007	EPR	OID:100661788-ComisaryPur	-69.74	115.41	0.00	0.00
07/15/2007	DEPMO	57-53110270	70.00	185.15	0.00	0.00
07/15/2007	DEPMO	08-723568600	95.00	115.15	0.00	0.00
07/14/2007	DEPMO	57-54268777	20.00	20.15	0.00	0.00
06/19/2007	EPR	OID:100650193-ComisaryPur	-2.06	0.15	0.00	0.00
06/12/2007	EPR	OID:100647189-ComisaryPur	-49.10	2.21	0.00	0.00
06/06/2007	DEPCA	57-53110007	50.00	51.31	0.00	0.00
05/29/2007	EPR	OID:100641425-ComisaryPur	-4.94	1.31	0.00	0.00
05/22/2007	EPR	OID:100638652-ComisaryPur	-19.58	6.25	0.00	0.00
05/17/2007	EPR	OID:100635473-ComisaryRef	0.40	25.83	0.00	0.00
05/15/2007	EPR	OID:100635473-ComisaryPur	-14.18	25.43	0.00	0.00
05/08/2007	EPR	OID:100632510-ComisaryPur	-18.44	39.61	0.00	0.00
05/01/2007	EPR	OID:100629266-ComisaryPur	-53.11	58.05	0.00	0.00
04/24/2007	EPR	OID:100626776-ComisaryPur	-99.88	111.16	0.00	0.00
04/19/2007	DEPMO	5752753106	60.00	211.04	0.00	0.00
04/19/2007	DEPMO	5752753107	50.00	151.04	0.00	0.00
04/17/2007	EPR	OID:100623831-ComisaryPur	-25.48	101.04	0.00	0.00
04/15/2007	DEPMO	08-701298791	100.00	126.52	0.00	0.00
04/11/2007	DEPMO	5676323316	25.00	26.52	0.00	0.00
04/10/2007	EPR	OID:100621266-ComisaryPur	-14.72	1.52	0.00	0.00